IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

and

THE HON'BLE SRI JUSTICE D. APPA RAO

W.P.No. 26884 of 2006

Between:-

S.K.Noor Ahmed and another

..Petitioner

And

1. The Dy. Transport Commissioner,

Ranga Reddy District and another.

..Respondents

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ORDER (Per JC,J) :

This writ petition is filed with a prayer as follows:

> "To declare the seizure of the petitioner's tractor trailer vehicle bearing No.AP/2B-8904 seized under vehicle check report No.3219212, dated 12-12-2006 by the 2nd respondent as illegal, arbitrary, and consequently direct the respondents to release the vehicle of the petitioners forthwith."

2. The 1st petitioner is the owner of a tractor and trailer bearing Regn. Nos.AP/02B 8904 and AP/02B 8905, respectively. It is asserted in the affidavit filed in support of the petition that the 2nd petitioner purchased the said tractor and trailer from the 1st petitioner about two months back and when the vehicle

was being taken to the 2nd petitioner's place from the 1st petitioner's place, the vehicle was stopped and checked by the 2nd respondent-The Motor Vehicles Inspector, Sangareddy, Medak District, on 12-12-2006 and seized under a check report. The 2nd respondent in the check report noted certain irregularities which reads as follows:

> "Stopped and checked the above vehicle while proceeding towards BHEL. For the following irregularities:
> (1) R.C.Book not produced, no proof of tax payment for Q.E. 31-12-2006.
> (2) Trailer registration number not exhibited, Trailer chassis number 34/91,
> (3) Permit not produced, I.C. not produced, (4) Driving Licence not produced. The vehicle is engaged by the Municipality."

Hence, the present writ petition.

3. Heard the learned Government Pleader for Transport.

4. In the circumstances, we are of the opinion that the matter can be disposed of at the admission stage directing the respondents to release the above mentioned tractor and trailer on condition of the petitioner deposits entire amount of tax due on the said vehicles as determined by the 1st respondent-The Deputy Transport Commissioner, Regional Transport Authority, Ranga Reddy District, without prejudice to the authority of the respondents to take any further appropriate steps in accordance with law for the various alleged violations indicated in the check report. The petitioner shall not alienate the vehicle until the enquiry is completed.

5. With the aforementioned direction, the writ petition is disposed of. No costs.

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J.CHELAMESWAR,J

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December 27, 2006 D.APPA RAO,J

Note:

Issue C.C. by 28-12-2006

B/o.

KVR